

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

v.

**Criminal Action No. 3:20-CR-42  
(GROH)**

**TIMOTHY JOHN WATSON,**

Defendant.

**UNITED STATES' UNOPPOSED MOTION FOR COMPLEX CASE DESIGNATION**

Comes now the United States of America and William J. Powell, United States Attorney for the Northern District of West Virginia, by Jarod J. Douglas, Assistant United States Attorney for said District, and request the Court to designate this case as complex pursuant to Local Rule of Criminal Procedure 16.01(h)(1), based upon the following:

1. On November 17, 2020, a Federal Grand Jury in Martinsburg, West Virginia, returned the instant Indictment [Doc. 23]. The Indictment contains charges alleging the possession and transfer of machinegun conversion devices, also known as “drop in auto sears,” which can involve the resolution of novel and complex questions of fact and law. In this regard, during the defendant’s detention hearing held on November 17, 2020, defense counsel argued that these devices are not technically drop in auto sears because the end users had to subject to the devices to a fitting process to install the devices into their AR-style firearms. As such, the undersigned anticipates that extensive pretrial litigation may be necessary to address this issue.

2. The Indictment arises from a nationwide investigation that has produced, and continues to produce, voluminous discovery material that the government continues to process for disclosure. For example, the government’s Rule 16 disclosure on November 23, 2020 was comprised of approximately 30,000 pages of documentation. In addition, the United States has

just recently come in possession of additional discovery material, which is still being processed for disclosure. For example, on November 2, 2020, investigators executed a Federal search warrant on the defendant's residence and seized several electronic devices, which are still being forensically imaged. Accordingly, the United States asserts that this case is so complex due to the nature of the prosecution that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

3. On November 17, 2020, the defendant made his initial appearance and was arraigned [Doc. 27]. The Court ordered that trial be held on January 12, 2021, preceded by the United States' Rule 16 discovery disclosure on November 24, 2020. For the reasons stated above, the undersigned submits that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within these time limits, and that the United States is unable to disclose all of the discovery material in its possession pursuant to the current schedule.

4. Prior to the filing of this motion, the undersigned was in contact with counsel for the defendant, who states no objection to the instant motion.

5. In the event that this Court designates this case as complex, the United States will endeavor to confer with the defendant not later than seven (7) days following such designation to develop a Proposed Complex Case Schedule, as required by Local Rule of Criminal Procedure 16.01(h)(2). No later than seven (7) days following this conference, the United States intends to cause the filing of a Proposed Complex Case Schedule, as required by Local Rule of Criminal Procedure 16.01(h)(3).

WHEREFORE, the United States respectfully requests that the Court designate this case as complex pursuant to Local Rule of Criminal Procedure 16.01(h)(1) and vacate the current case schedule pending the filing of a Proposed Complex Case Schedule.

Respectfully submitted,

WILLIAM J. POWELL  
UNITED STATES ATTORNEY

By: /s/ Jarod J. Douglas  
Jarod J. Douglas  
Assistant U. S. Attorney

**CERTIFICATE OF SERVICE**

I, Jarod J. Douglas, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on the 1st day of December 2020, the foregoing UNITED STATES' MOTION FOR COMPLEX CASE DESIGNATION was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Shawn McDermott, Esq.  
Mills McDermott Criminal Law Center  
1800 West King Street  
Martinsburg, WV 25401  
*Counsel for Defendant*

WILLIAM J. POWELL  
UNITED STATES ATTORNEY

By: /s/Jarod J. Douglas  
Jarod J. Douglas  
Assistant U. S. Attorney